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on: June 9, 2000

Gregory F. Ahrens

Reg. No. 32,957

DATE

PATENT

Serial No.: 09/156,276  
Filed: September 17, 1998/April 25, 2000  
Group Art Unit: 3763  
Examiner: Rodriguez  
Applicant: Rohit C. L. Sachdeva et al.  
Title: MEDICAL INSTRUMENT WITH SLOTTED MEMORY METAL TUBE

Cincinnati, Ohio 45202

June 9, 2000

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Assistant Commissioner of Patents  
Washington, D.C. 20231

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Sir:

GROUP 3300

**PRELIMINARY AMENDMENT**

This Amendment is being filed prior to prosecution on the merits of the  
above-referenced application, which is continued prosecution application. Applicants  
respectfully request reconsideration of the pending claims in view of the remarks set forth  
below.

**REMARKS**

In the prior application, pending claims 1-7 and 20 have been rejected on the  
following bases: claims 1, 2, 7 and 9 over Mobley et al., claims 1-6 over Fischell and claims 1  
and 20 over Chastagner, all under 35 U.S.C. §102.

All of the pending claims recite that the medical instrument comprises at least one  
memory metal tube that is programmed for an effect selected from the group of effects consisting